

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE)	
CENTRE GMBH and WEST PUBLISHING)	
CORPORATION,)	C.A. No. 20-613-SB
)	
Plaintiffs/Counterdefendants,)	
)	PUBLIC VERSION
v.)	
)	
ROSS INTELLIGENCE INC.,)	
)	
Defendant/Counterclaimant.)	

**DECLARATION OF JACOB CANTER IN SUPPORT OF
DEFENDANT/COUNTERCLAIMANT ROSS INTELLIGENCE INC.’S MOTION FOR
SUMMARY JUDGMENT ON ITS AFFIRMATIVE DEFENSE OF FAIR USE**

I, Jacob Canter, declare as follows:

1. I am a Counsel at Crowell & Moring, LLP, and on the legal team for ROSS Intelligence, Inc. I am an attorney, admitted to the bar of the states of California and District of Columbia and have been admitted *pro hac vice* to appear before this Court. I submit this Declaration in support of Defendant/Counterclaimant ROSS Intelligence Inc.’s (“ROSS”) Motion for Summary Judgment on Its Affirmative Defense of Fair Use. I have personal knowledge of the facts set forth below and, if called to testify, I could and would testify competently to the below.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the transcript of the May 26, 2022, deposition of Dr. Isabelle Moulinier. Portions of this transcript have been designated highly confidential.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the April 12, 2022, deposition of Jimoh Ovbiagele. Portions of this transcript have been designated highly confidential.

4. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the May 30, 2022, deposition of Andrew Arruda.

5. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0000512. This document reflects marketing information from ROSS.

6. Attached hereto as **Exhibit 8** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00686613. This is a slide deck prepared by Plaintiffs and dated October 23, 2020, that has been designated highly confidential.

7. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00608822. This is a slide deck prepared by Plaintiffs and dated August 2022, that has been designated highly confidential.

8. Attached hereto as **Exhibit 14** is a true and correct copy of Plaintiffs' Third Supplemental Response to ROSS's Interrogatory No. 1, served on August 22, 2022. The response to Interrogatory No. 1 is on pages 7-71. Portions of this document have been designated highly confidential.

9. Attached hereto as **Exhibit 15** is a true and correct copy of the Supplemental Expert Report of Dr. Jonathan Krein, served on August 11, 2024. The report has been designated highly confidential.

10. Attached hereto as **Exhibit 16** is a true and correct copy of Appendix B to the Supplemental Expert Report of Dr. Jonathan Krein, served on August 11, 2024. The report that this appendix accompanies has been designated highly confidential.

11. Attached hereto as **Exhibit 17** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-01314989. This is a document that

describes some of the history of West Publishing Corp. The document has been designated highly confidential.

12. Attached hereto as **Exhibit 18** is a true and correct copy of the Form 40-F for the Thomson Reuters Corporation that Plaintiffs produced in this litigation, bearing Bates No. TR-0037447.

13. Attached hereto as **Exhibit 19** is a true and correct copy of Plaintiffs' Responses and Objections to ROSS's First Set of Requests for Admission, served on April 6, 2022. This includes Plaintiffs' response to Request for Admission No. 72, which is on pages 45-46. Portions of this document have been designated highly confidential.

14. Attached hereto as **Exhibit 20** is a true and correct copy of Plaintiffs' Second Supplemental Response to ROSS's Interrogatory No. 21, served on June 9, 2022. The response to Interrogatory No. 21 is on pages 16-25. The response to Interrogatory No. 15 is also in this document, at pages 8-9. The response to Interrogatory No. 14 is also in this document, at pages 7-8. The response to Interrogatory No. 16 is also in this document, at pages 9-11. Portions of this document have been designated highly confidential.

15. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-01928915. This is a document that describes the primary law library available on Westlaw. The document has been designated highly confidential.

16. Attached hereto as **Exhibit 22** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0432528. This is a document that describes information available on Westlaw. The document has been designated confidential.

17. Attached hereto as **Exhibit 23** is a true and correct copy of Plaintiffs' Responses to

ROSS's First Set of Counterclaim Interrogatories (Nos. 22-28), served on May 11, 2023. The response to Interrogatory No. 26 is on page 25. Portions of this document have been designated highly confidential.

18. Attached hereto as **Exhibit 24** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0812245. This document is a judicial opinion downloaded from the Westlaw platform. The document has been designated confidential.

19. Attached hereto as **Exhibit 25** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-01390287. This document is dated June 7, 2022, and provides information about material available on Westlaw. The document has been designated highly confidential.

20. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the transcript of the March 30, 2022, deposition of Laurie Oliver. Portions of this transcript have been designated highly confidential.

21. Attached hereto as **Exhibit 27** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0002864. This document is titled the "Editorial Manual: Policies and Guidelines for Headnoting." The document has been designated highly confidential.

22. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0040273. The document is titled "Summarization Manual." The document has been designated highly confidential.

23. Attached hereto as **Exhibit 29** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0179830. The document is titled "WestlawNext: Searching with Topic and Key Numbers."

24. Attached hereto as **Exhibit 30** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0523445. The document is titled “West’s Analysis of American Law, 2018 Edition.”

25. Attached hereto as **Exhibit 31** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0036398. The document is United States Patent No. 7,065,514, dated June 20, 2006.

26. Attached hereto as **Exhibit 32** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00631392. The document is an email sent from Scott Augustin to numerous recipients that have Thomson Reuters email addresses. The document has been designated highly confidential.

27. Attached hereto as **Exhibit 33** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0179843. The document is titled “West Key Number System on WestlawNext.”

28. Attached hereto as **Exhibit 34** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0034557. The document is the Certificate of Registration for Copyright Registration No. TXu 2-178-620.

29. Attached hereto as **Exhibit 35** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0026188. The document is a Copy of Deposit for Copyright Registration No. TXu 2-178-620.

30. Attached hereto as **Exhibit 36** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0433738. The document is titled “WestlawNext: West Search.” The document has been designated confidential.

31. Attached hereto as **Exhibit 37** is a true and correct copy of a document produced

by Plaintiffs in this litigation bearing the Bates No. TR-0456869. The document is titled "WestSearch: The world's most advanced legal search engine." The document has been designated confidential.

32. Attached hereto as **Exhibit 38** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-00618557. The document is titled "West Publishing Turns 150 – Comms Plan." The document has been designated highly confidential.

33. Attached hereto as **Exhibit 39** is a true and correct copy of the Opening Expert Report of Dr. Jonathan Krein, served on August 1, 2022. The report has been designated highly confidential.

34. Attached hereto as **Exhibit 40** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0477495. The document is titled "Westlaw Edge The standard for legal research." The document has been designated confidential.

35. Attached hereto as **Exhibit 41** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00218156. The document is titled "Westlaw Edge." The document has been designated highly confidential.

36. Attached hereto as **Exhibit 42** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-01012442. The document is titled "10 quick tips for using Westlaw Edge." The document has been designated highly confidential.

37. Attached hereto as **Exhibit 43** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-01013084. The document is titled "Westlaw Edge – Intro and Features [WL4G]." The document has been designated highly confidential.

38. Attached hereto as **Exhibit 44** is a true and correct copy of a document produced

by Plaintiffs in this litigation bearing the Bates No. TRCC-00988301. The document is titled “Westlaw Edge The most intelligent legal research platform ever.” The document has been designated highly confidential.

39. Attached hereto as **Exhibit 45** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0908443. The document is titled “WestSearch Plus: A Non-factoid Question-Answering System for the Legal Domain.” The document has been designated highly confidential.

40. Attached hereto as **Exhibit 46** is a true and correct copy of excerpts from the transcript of the April 8, 2022, deposition of Dr. Khalid Al-Kofahi. Portions of this transcript have been designated highly confidential.

41. Attached hereto as **Exhibit 47** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00194937. The document is titled “Artificial Intelligence & Westlaw.” The document has been designated highly confidential.

42. Attached hereto as **Exhibit 48** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0000568. The document is titled “Statement of Work II for ROSS Bulk Memos.” The parties are ROSS Intelligence, Inc. and LegalEase Solutions, LLC.

43. Attached hereto as **Exhibit 50** is a true and correct copy of excerpts from the transcript of the May 12, 2022, deposition of Christopher Cahn. Portions of this transcript have been designated highly confidential.

44. Attached hereto as **Exhibit 51** is a true and correct copy of excerpts from the transcript of the May 26, 2022, deposition of Tariq Hafeez. Portions of this transcript have been designated highly confidential.

45. Attached hereto as **Exhibit 52** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0039943. The document is titled “Statement of Work II for Bulk Memos Project.” The parties are LegalEase Solutions, LLC and Morae Global Corporation.

46. Attached hereto as **Exhibit 53** is a true and correct copy of a deposition transcript for the December 18, 2016, deposition of Tariq Hafeez, produced in this litigation, and bearing the Bates No. TR-00393043.

47. Attached hereto as **Exhibit 54** is a true and correct copy excerpts from the transcript of the March 17, 2022, deposition of Tomas van der Heijden. Portions of this transcript have been designated highly confidential.

48. Attached hereto as **Exhibit 55** is a true and correct copy of excerpts from the transcript of the April 18, 2022, deposition of Teri Whitehead. Portions of this transcript have been designated highly confidential.

49. Attached hereto as **Exhibit 56** is a true and correct copy of excerpts from the transcript of the November 11, 2022, deposition of Barbara Frederiksen-Cross.

50. Attached hereto as **Exhibit 57** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0002808. The document is titled “Research Subscriber Agreement.” The document has been designated highly confidential.

51. Attached hereto as **Exhibit 58** is a true and correct copy of a document produced by Third-Party LegalEase Solutions, LLC in this litigation bearing the Bates No. LEGALEASE-00078065. The document is titled “Best Practices for ROSS Intelligence.”

52. Attached hereto as **Exhibit 59** is a true and correct copy of a document produced by Third-Party LegalEase Solutions, LLC in this litigation bearing the Bates No. R-LEGALEASE-

00050673. The document is an email from Merin Sony to several individuals with LegalEase email addresses in July 2017. The document has been designated confidential.

53. Attached hereto as **Exhibit 60** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TR-0047926. The document is an email from Steven Babb to several personnel and has the subject WestLaw logins. The document has been designated confidential.

54. Attached hereto as **Exhibit 62** is a true and correct copy of excerpts from the transcript of the January 28, 2020, deposition of Tomas van der Heijden.

55. Attached hereto as **Exhibit 65** is a true and correct copy of excerpts from the August 6, 2024, Pretrial Conference had before the Honorable Stephanos Bibas.

56. Attached hereto as **Exhibit 66** is a true and correct copy of a of the Rebuttal Expert Report of James E. Malackowski, served on September 6, 2023. The report has been designated highly confidential.

57. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced by Plaintiffs in this litigation bearing the Bates No. TRCC-00992673. The document is a Thomson Reuters deck from May 2022 titled Thomson Reuters: Artificial Intelligence and Westlaw Discussion. The document has been designated highly confidential.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at San Francisco, California on this 1st day of October, 2024.

/s/ *Jacob Canter*
Jacob Canter